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April 14, 2025

VIA ECF

The Honorable Ashely M. Chan  
U.S. Bankruptcy Court for the Eastern District of Pennsylvania  
Robert N.C. Nix Sr. Federal Courthouse  
900 Market Street, Suite 204  
Philadelphia, PA 19107

**Re: In re Vascular Centers, L.P., Case No. 19-17117 (AMC); Order Directing Supplemental Application [Docket No. 1352]; Related Appeal of Underlying Order; Suggestion to Stay**

Dear Judge Chan:

This letter concerns this Court's Order dated March 21, 2025 [Docket No. 1352] ("**Scheduling Order**") authorizing William Whitfield Gardner ("**Gardner**") to submit his fees and expenses to supplement the sanctions award against James McGuckin and Philadelphia Vascular Institute, LLC (collectively, "**McGuckin**") and related deadlines and scheduling. Since entry of that Scheduling Order, McGuckin has appealed the District Court Order (defined below). The docket in this Bankruptcy Case does not reflect any notice of the appeal of the District Court Order. **The purpose of this letter is to bring the appeal to the Court's attention and suggest this Court temporarily stay the deadlines in the Scheduling Order until after McGuckin's appeal is exhausted.**

By way of background, this Court entered Orders on October 28, 2021 and December 2, 2022 (together, the "**Sanctions Orders**") awarding Gardner sanctions against McGuckin in the amount of \$1,417,861.75. See Docket Nos. 947 & 1190. On appeal, the United States District Court for the Eastern District of Pennsylvania affirmed the Sanctions Orders and remanded the matter to this Court to supplement the award of fees with those incurred by Gardner in defending McGuckin's appeal of the Sanctions Orders. See Order, *Vascular Access Centers, L.P. v. Philadelphia Vascular Institute, LLC*, No. 22-4981 (E.D. Pa. Mar. 18, 2025) ("**District Court Order**").

Following entry of the District Court Order, on March 21, 2025, this Court entered the Scheduling Order, which authorizes: (a) Gardner to submit "a supplemental application, including relevant

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timesheets and expenses incurred by Gardner's counsel in connection with defending the District Court appeal on or before April 18, 2025," (b) McGuckin to submit a response by May 16, 2025, (c) Gardner to submit a reply by June 13, 2025, and schedules a hearing for June 25, 2025. *See* Scheduling Order at 1.

On April 9, 2025, McGuckin appealed the District Court Order to the Third Circuit Court of Appeals. *See* Notice of Appeal, *Vascular Access Centers, L.P. v. Philadelphia Vascular Institute, LLC*, No. 22-4981 (E.D. Pa. Mar. 18, 2025). As a result, adjudication of the Sanctions Orders and District Court Order is ongoing.

In light of the ongoing appeal, undersigned counsel respectfully suggests this Court order a stay of the deadlines in the Scheduling Order until fourteen (14) days after a final order adjudicating the Sanctions Orders has been entered and is no longer subject to appeal (or such other terms as the Court deems just and proper). Proceeding now would be premature. Gardner will inevitably incur additional fees and expenses in proceedings before the Third Circuit, and he fully expects McGuckin—consistent with his actions before this court and many others—will litigate until his rights are completely exhausted. The temporary stay suggested above would avoid piecemeal proceedings. Moreover, while Gardner fully expects the Third Circuit (and to the extent it granted certiorari, the Supreme Court) will affirm the Sanctions Orders and District Court Order in their entirety, the temporary stay suggested above could avoid any potential confusion created by any ruling on appeal.<sup>1</sup>

The deadline for Gardner's submission is April 18, 2025. If the Court does not enter any order staying the deadlines in the Scheduling Order, Gardner intends to timely submit his fees and expenses as authorized in the Scheduling Order.

Very truly yours,

/s/ Joseph N. Argentina, Jr.

Joseph N. Argentina, Jr., Esq.  
Counsel

JNA

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<sup>1</sup> Nothing in this letter is an admission or suggestion that anything in the Sanctions Orders or District Court Order (and the respective opinions in support thereof) is incorrect or should be reversed or modified.